

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: D. Baldwin, et al. EXAMINER: K. Thornton
Serial No.: 08/934,570 Group: 1744
Filed: August 24, 1992 Patent No.: 5,334,356
Issued: August 2, 1994
For: SUPERMICROCELLULAR FOAMED MATERIALS

RESUBMISSION OF ASSENT BY ASSIGNEE FOR FILING REISSUE APPLICATION

This is part of the application for a reissue patent filed herewith based on the original patent identified as follows:

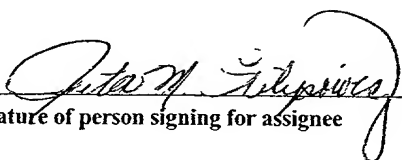
D. Baldwin, et al.
Name of Patentee

5,334,356
Patent Number

August 2, 1994
Date Patent Issued

SUPERMICROCELLULAR FOAMED MATERIALS
Title of Invention

I, Rita Filipowicz, hereby certify that I presently possess the authority to act on behalf of the Massachusetts Institute of Technology by virtue of my title as Patent Administrator of the Technology Licensing Office of the Massachusetts Institute of Technology. In accordance with such authority, and by my signature below, I reiterate the assent of the Massachusetts Institute of Technology, which possessed an undivided interest in U.S. Patent No. 5,334,356 on January 6, 1997, to the application for reissue of that patent, such application having originally been filed on January 8, 1997.


Signature of person signing for assignee

Date: 8/21/01



ML



DOCKET NO. 40535

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

- ☒ In re application of*: Sung W. Cha et al.
 Serial No.: 0 7 / 682,116 Group No.
 Filed: April 5, 1991 Examiner:
 For*: SUPERMICROCELLULAR FOAMED MATERIALS

☐ Patent:

Issued:

APPLICATION DIVISION

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where recordal is with respect to a maintenance fee payment also insert application serial number and filing date and add Box M. Fee to address.

Commissioner of Patents and Trademarks
 Washington, D.C. 20231

RECORDAL OF ASSIGNMENT (37 CFR 1.331)

- Kindly record the enclosed assignment for the above identified
 - ☒ application
 - ☐ patent
- When recordal has been effected, please return the original assignment document to the undersigned.
- Fee Payment (37 CFR 1.21(h))
 - ☒ Attached is a check in the sum of \$8.00.
 - ☐ Charge Account No. _____ the sum of \$8.00. A duplicate of this recordal request is attached.

NOTE: 37 CFR 1.21(h). For recording each assignment, agreement or other paper relating to the property in a patent or application, per property, \$8.00.

Tel. No. (617) 523-3400

Reg. No. 19,817

SIGNATURE OF ATTORNEY

Robert F. O'Connell

Type or print name of attorney

Dike, Bronstein, Roberts & Cushman

P.O. Address

130 Water Street, Boston, MA 02109

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Janine Michalski

(Type or print name of person mailing paper)

Date May 30, 1991

(Signature of person mailing paper)

OAC MC 06/07/91 07652114

(Recordal of Assignment [16-5])

10000004-000000

REEL 5738 FRAME 966

93202735

including all priority rights ensuing therefrom, and the inventions and any of them therein set forth and described, and any and all Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor, together with the right to apply for such Letters Patent.

IN WITNESS WHEREOF, I, Sung W. Cha, hereunto set my
hand and seal this May 20 1991 day of _____, 1991 I, Nam P. Suh
_____, hereunto set my hand and seal this _____ day of _____
1991 I, Daniel F. Baldwin, hereunto set my hand and seal
this _____ day of _____, 1991, and I, Chul B. Park,
hereunto set my hand and seal this 20th day of May, 1991.

Sy Mea Cho
Nam Pui
F. J. B. B.
Chun Pui

REISSUE APPLICATION DECLARATION
BY INVENTORS

As one of the below named inventors, I hereby declare that: My residence, post office address and citizenship are as stated below my name; I believe I am an original, and joint inventor of the subject matter which is described and claimed in Letters Patent Number 5,334,356 granted on August 2, 1994 and in the specification attached hereto, entitled SUPERMICROCELLULAR FOAMED MATERIALS and for which invention we solicit a reissue patent.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56.

STATEMENT OF INOPERATIVENESS OF ORIGINAL PATENT
37 CFR 1.175

I hereby aver that I believe the original patent to be wholly or partly inoperative or invalid by reason of my claiming less than I had a right to claim in the patent. The errors which are recited herein occurred without any deceptive intent.

All errors being corrected in this reissue application up to the time of filing of this declaration arose without any deceptive intent.

The particular insufficiencies in the claims result because they are not as broad as I believe I am entitled to due to the inclusion of certain limitations related to means for processing of the material such as "means for engaging and transporting said shaped continuous heated material" and "foam heating means for heating said material".

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Inventor's signature

Full name of first or joint inventor: Daniel F. Baldwin
Citizenship: United States
Residence: 1044 Longwood Drive
Woodstock, GA 30189
Post Office Address: 1044 Longwood Drive
Woodstock, GA 30189

Date

Jun 08 / 01

Date

Inventor's signature

Full name of second or joint inventor:

Citizenship:

Residence:

Sung W. Cha

~~Canada~~ USA

Kyungki-Do

Koyang-Si Ilsan-Ku

Juyup-Dong 128

Moonchon 1803-101

SOUTH KOREA, 411-372

Post Office Address:

Kyungki-Do

Koyang-Si Ilsan-Ku

Juyup-Dong 128

Moonchon 1803-101

SOUTH KOREA, 411-372

Inventor's signature

Full name of third or joint inventor:

Citizenship:

Residence:

Chul B. Park

Canada

95 Prince Arthur Ave., #521

Toronto, Ontario M5R 3P6

CANADA

Post Office Address:

95 Prince Arthur Ave., #521

Toronto, Ontario M5R 3P6

CANADA

Date

Inventor's signature

Full name of fourth or joint inventor:

Citizenship:

Residence:

Nam P. Suh

United States

34 Maynard Farm Road

Sudbury, MA 01776

Post Office Address:

34 Maynard Farm Road

Sudbury, MA 01776

Date

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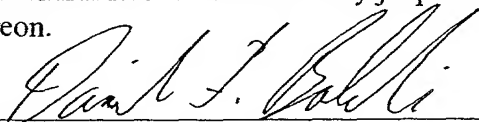
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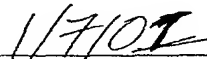
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Inventor's signature



Date

Full name of first or joint inventor:	Daniel F. Baldwin
Citizenship:	United States
Residence:	1044 Longwood Drive Woodstock, GA 30189
Post Office Address:	1044 Longwood Drive Woodstock, GA 30189

Inventor's signature

Date

Full name of second or joint inventor:

Sung W. Cha

Citizenship:

Canada

Residence:

Kyungki-Do

Koyang-Si Ilsan-Ku

Juyup-Dong 128

Moonchon 1803-101

SOUTH KOREA, 411-372

Post Office Address:

Kyungki-Do

Koyang-Si Ilsan-Ku

Juyup-Dong 128

Moonchon 1803-101

SOUTH KOREA, 411-372

Inventor's signature

Date

Full name of third or joint inventor:

Chul B. Park

Citizenship:

Canada

Residence:

95 Prince Arthur Ave., #521

Toronto, Ontario M5R 3P6

CANADA

Post Office Address:

95 Prince Arthur Ave., #521

Toronto, Ontario M5R 3P6

CANADA

Inventor's signature

Date

Full name of fourth or joint inventor:

Nam P. Suh

Citizenship:

United States

Residence:

34 Maynard Farm Road

Sudbury, MA 01776

Post Office Address:

34 Maynard Farm Road

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Inventor's signature

Full name of first or joint inventor: Daniel F. Baldwin
Citizenship: United States
Residence: 1044 Longwood Drive
Woodstock, GA 30189
Post Office Address: 1044 Longwood Drive
Woodstock, GA 30189

Date

Inventor's signature

Date

Full name of second or joint inventor:

Sung W. Cha

Citizenship:

Canada

Residence:

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Koyang-Si Ilsan-Ku

Juyup-Dong 128

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SOUTH KOREA, 411-372

Inventor's signature

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Full name of third or joint inventor:

Chul B. Park

Citizenship:

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Residence:

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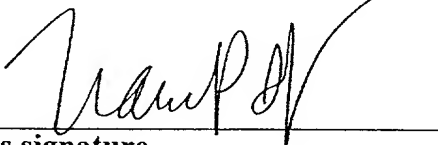
CANADA

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CANADA



Inventor's signature

Date

Full name of fourth or joint inventor:

Nam P. Suh

Citizenship:

United States

Residence:

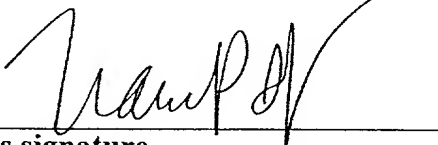
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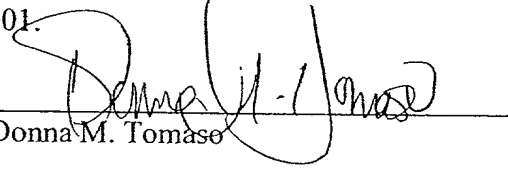

Jan 5, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Baldwin et al.
Serial No: 08/692,060
Filed: August 2, 1996
For: SUPERMICROCELLULAR FOAMED MATERIALS
Examiner: K. Thornton
Art Unit: 1744

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231-0002 on May 25, 2001.


Donna M. Tomaso

Assistant Commissioner for Patents
Box: AF
Washington, D.C. 20231-0002

Sir:

**DECLARATION OF FACTS OF GEORGE W. NEUNER
IN SUPPORT OF THE PETITION UNDER 37 C.F.R. §1.47(a)**

I, George W. Neuner, declare as follows:

1. I am attorney of record in the above-identified application and a partner of Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02110. I represent the Massachusetts Institute of Technology, the assignee and owner of the above application.
2. This application is licensed to Trexel, Inc.
3. Timothy J. Oyer, Esq., who represents Trexel, Inc., has assisted me in connection with this application. As such, he coordinated obtaining signatures of the inventors on the new reissue declaration required by the examiner (Exhibit 1).

4. On or about February 14, 2001, I was informed that Mr. Oyer had obtained the signatures of three of the inventors on the new reissue declaration but was having difficulty obtaining the signature of Chul B. Park ("Professor Park").

6. After completing the discussion with Professor Park, I forwarded to him copies of the communications with the USPTO during the reissue examination, as he requested (see copy of my cover letter attached as Exhibit 2). I also called Mr. Sarca and explained that we were requesting Professor Park to execute a new reissue declaration as requested by the U.S. patent examiner. I also called Mr. Lowman and told him that I had spoken with Professor Park, was informed of his representation by counsel, and had sent copies of the communications to Professor Park as he requested so that he could discuss them with his attorney. I asked Mr. Lowman to call me after his meeting with Professor Park so that we could resolve any issues.

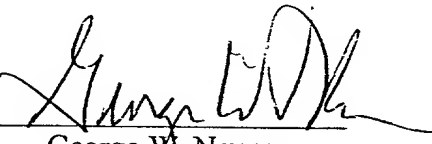
7. Mr. Lowman did not call me. After a couple weeks, I placed calls to Mr. Lowman to determine the status of Professor Park's signing of the reissue declaration. After

many calls, around the end of April, I reached Mr. Lowman and he informed me that he had not yet met with Professor Park. He said he would call Professor Park. I again asked him to call me and let me know the status of this matter. Again, Mr. Lowman has not called.

8. Based on the above facts, I have concluded that professor Park continues to refuse to sign the reissue declaration. I also have concluded that alternative action must be taken to protect the rights of the Massachusetts Institute of Technology and its licensee in this application.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Codes, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 25 May '01

By: 
George W. Neuner
(Reg. No. 26,964)

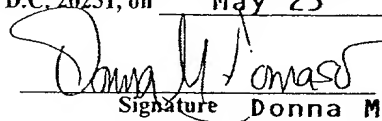
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
(617) 439-4444
314287

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Baldwin et al.
Serial No. : 08/692,060
Filing Date : August 2, 1996
For : SUPERMICROCELLULAR FOAMED MATERIALS

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached addressed to Commissioner for Patents, Washington, D.C. 20231, on May 25, 2001.



Signature Donna M. Tomaso

Commissioner for Patents
Washington, D. C. 20231

DECLARATION OF FACTS OF KELVIN T. OKAMOTO
IN SUPPORT OF THE PETITION UNDER 37 C.F.R. §1.47(a)

Dear Sir:

I, Dr. Kelvin T. Okamoto, declare as follows:

1. I am employed by Trexel, Inc., a Massachusetts corporation having a place of business at 45 Sixth Road, Woburn, MA 01801, as the Director of Intellectual Property. In this capacity, I coordinate patent matters for Trexel, Inc.

2. Chul B. Park (Dr. Park) has refused to join in the above-identified patent application, i.e., has refused to sign the Reissue Application Declaration (Declaration). I base this conclusion on the following facts.

3. On or around January 5, 2001, I left a voice mail message with Dr. Park regarding his signing the Declaration. Dr. Park did not respond to my voice mail message and to my knowledge did not sign the Declaration. On or around April 10, 2001, I spoke with Dr. Park who indicated that he had received the Declaration but that he did not intend to sign the Declaration.

4. On the basis of the above facts, I conclude not only that Dr. Park has expressly orally refused to join in the above-identified application, but that his accompanying conduct, based on facts set forth above in conjunction with facts set forth in an accompanying Declaration of Facts by Timothy J. Oyer, Esq. filed on even date herewith in this application, constitutes a

refusal to join in this application.

5. Accordingly, it is requested the accompanying Petition under 37 C.F.R. §1.47(a) be accepted and that the application be considered duly filed without the signature of Dr. Park as he has indicated by his act and deed his refusal to sign the Declaration in connection with this application.

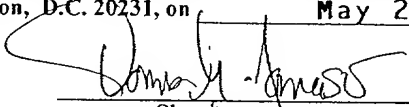
I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent which may issue thereon.

Executed on May 2, 1, 2001.

K. T. Okamoto
Dr. Kelvin T. Okamoto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Baldwin et al.
Serial No. : 08/692,060
Filing Date : August 2, 1996
For : SUPERMICROCELLULAR FOAMED MATERIALS

<p align="center">CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)</p> <p>The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached addressed to Commissioner for Patents, Washington, D.C. 20231, on <u>May 25</u>, 2001.</p> <p align="right"> Signature <u>Donna M. Tomaso</u></p>
--

Commissioner for Patents
Washington, D. C. 20231

**DECLARATION OF FACTS OF TIMOTHY J. OYER
IN SUPPORT OF THE PETITION UNDER 37 C.F.R. §1.47(a)**

Dear Sir:

I, Timothy J. Oyer Esq., declare as follows:

1. I am a partner of Wolf, Greenfield and Sacks, P.C., 600 Atlantic Avenue, Boston, MA 02210. I am a counsel of record in the above-identified application. Wolf, Greenfield and Sacks, P.C. represents Trexel, Inc., the exclusive licensee of the above-identified patent application, in intellectual property matters including patent prosecution matters. I supervise the representation of Trexel, Inc. and have coordinated obtaining signatures on Declarations for Patent Application in the above-identified application per agreement between MIT, the assignee of this application, and licensee Trexel, Inc.

2. Chul B. Park (Dr. Park) has refused to join in the above-identified patent application, i.e., has refused to sign the Reissue Application Declaration (Declaration). I base this conclusion on the following facts.

3. On December 28, 2000, I sent the Declaration documents, along with the claims as presently pending, in the above-identified patent application to Dr. Park at the University of Toronto, 5 Kings College Road, Toronto, Ontario M5S3G8 Canada, along with a letter asking Dr. Park to sign and return the Declaration to us by January 12, 2001. Dr. Park already had a

copy of the specification of the above-identified application by virtue of the specification being identical to that of issued U.S. pat. no. 5,334,356, naming Dr. Park as an inventor, which the above-identified application seeks to re-issue.

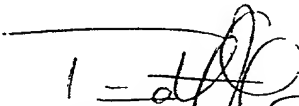
4. Between about January 1, 2001 and February 15, 2001, I received at least two voice mail messages from Dr. Park regarding the Declaration, left at least two voice mail messages for Dr. Park regarding the Declaration, and spoke on the phone with Dr. Park at least one time regarding the Declaration. In one or more of the communications, Dr. Park indicated that he had received the Declaration, and had read the specification (identical to issued U.S. pat. no. 5,334,356, which the above-identified application seeks to re-issue). At no time during any of the communications did Dr. Park indicate that he would sign and return the Declaration.

5. On the basis of the above facts, in conjunction with the facts set forth in an accompanying Declaration of Facts by Dr. Kelvin Okamoto filed on even date herewith in this application, I conclude that the conduct of Dr. Park constitutes a refusal to join in this Declaration.

6. Accordingly, it is requested that the accompanying Petition under 37 C.F.R. §1.47(a) be accepted and that the application be considered duly filed without the signature of Dr. Park as he has indicated by his act and deed his refusal to sign the Declaration in connection with this application.

I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent which may issue thereon.

Executed on MAY 21, 2001.



Timothy J. Oyer, Esq.

**Associate Power Of Attorney Or Agent (37 CFR 1.34)
(For Representation Related To A Patent Application)**

Docket No.
70257/40535RE

In Re Application Of: **BALDWIN, ET AL.**

Serial No.
08/692,060

Filing Date
AUGUST 2, 1996

Examiner
K. THORNTON

Group Art Unit
1744

Invention: **SUPERMICROCELLULAR FOAMED MATERIALS**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

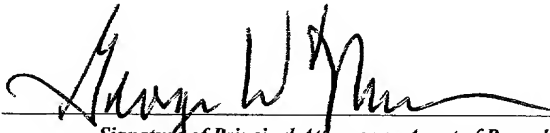
Please recognize the following as ☒ Associate Attorney ☐ Associate Agent in this application.

Name: **RICHARD J. ROOS, ESQ.**

Reg. No.: **45,053**

Address: **DIKE, BRONSTEIN, ROBERTS & CUSHMAN,
INTELLECTUAL PROPERTY PRACTICE GROUP
OF EDWARDS & ANGELL, LLP
P.O. BOX 9169
BOSTON, MASSACHUSETTS 02209**

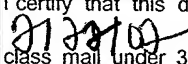
Tel. No. **617-439-4444**


Signature of Principal Attorney or Agent of Record

**GEORGE W. NEUNER, ESQ., REG. NO.: 26,964
DIKE, BRONSTEIN, ROBERTS & CUSHMAN
INTELLECTUAL PROPERTY PRACTICE GROUP
EDWARDS & ANGELL, LLP
P.O. BOX 9169
BOSTON, MASSACHUSETTS 02209
TEL.: 617-439-4444 FAX: 617-439-4170**

Registration Number & Address of Principal Attorney or Agent of Record

Dated: **FEBRUARY 21, 2002**

I certify that this document is being deposited on
 with the U.S. Postal Service as first
class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.



Signature of Person Mailing Correspondence

DONNA R. DAVIS

Typed or Printed Name of Person Mailing Correspondence